

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 91-651-C - ORDER NO. 92-216 ✓  
MARCH 25, 1992

IN RE: Thomas C. Mann,	)	
	)	
Complainant,	)	
	)	
vs.	)	ORDER
	)	DENYING
	)	REQUEST
Southern Bell Telephone and	)	
Telegraph Company,	)	
	)	
Respondent.	)	
	)	
	)	

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This matter comes before the Public Service Commission of South Carolina (the Commission) through the March 23, 1992, request of Southern Bell Telephone & Telegraph Company (Southern Bell) for an order affirming the March 18, 1992 subpoena of the credit history report of Thomas C. Mann.

On March 18, 1992, this Commission issued a Subpoena Duces Tecum to Equifax Credit Information Service on behalf of Southern Bell. The request made was for the full and complete credit report on Thomas C. Mann, the Complainant in this case. Subsequent to the issuance and service of that subpoena under our Regulation 103-850, Southern Bell was informed by Equifax that under the Fair Credit Reporting Act, it required the equivalent of a Court Order to release the records. On March 23, 1992, Caroline

N. Watson, Esquire, General Attorney for Southern Bell, wrote this Commission requesting an order affirming the subpoena so as to satisfy the requirements of the Fair Credit Reporting Act.

This Commission has considered the request and believes that it must be denied. Under our Regulation 103-850, the Executive Director of the Commission has a ministerial duty to issue a Subpoena Duces Tecum upon request of a party to a proceeding. However, the Commission is not convinced in this case that the information requested is relevant to the subject matter of the Complaint. For this reason, we respectfully decline to issue our Order affirming the subpoena.

IT IS THEREFORE ORDERED THAT:

1. The request of Southern Bell for an Order affirming the March 18, 1992 subpoena of Southern Bell to Equifax is hereby denied.

2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
VICE Chairman

ATTEST:

  
Executive Director

(SEAL)